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OFFICE OF PETITIONS

In re Application of
Ryan Smith Westberry, et al.
Application No. 10/588,689
Filed: June 29, 2007
Attorney Docket No. 186257/US

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DECISION ON PETITION

This is a decision on the petitions, filed January 24, 2011, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application, or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

This application was held abandoned for failure to timely pay the issue and publication fees on or before January 1, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed October 1, 2010. Accordingly, the date of abandonment of this application is January 2, 2011.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

As to the petition under 37 CFR 1.181:

While it is noted that petitioner made an attempt to timely pay the required issue fee set in the Notice of Allowance and Issue Fee(s) Due mailed October 1, 2010, the issue fee transmittal submitted to the Office on December 17, 2010 was incomplete and did not provide the deposit account number in which to charge fees.

As to the petition under 37 CFR 1.137(b):

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1510 issue fee and \$300 publication fee, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

In view of the above, the petition is **GRANTED**.

As authorized, the \$1620 fee required by 37 CFR 1.137(b) has been charged to petitioner's Deposit Account No. 50-2387.

Telephone inquiries concerning this decision should be directed to April M., Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4100.

This application is being referred to the Office of Data Management for further processing into a patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions